

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MATTHEW E. ORSO, as successor  
trustee to Kenneth D. Bell in his  
capacity as court-appointed  
receiver for Rex Venture Group, LLC,

Plaintiff,

v.

Case No. 8:21-mc-106-TPB-CPT

KEVIN SIPE,

Defendant.

\_\_\_\_\_ /

TRUIST BANK  
1777 Main Street  
Sarasota, FL 34236,

Garnishee.

\_\_\_\_\_ /

**ORDER**

Before the Court is a *Renewed Motion for Writ of Garnishment* filed by Nationwide Judgment Recovery, Inc. (Nationwide), as assignee of Plaintiff Matthew E. Orso, who is the successor trustee to Kenneth D. Bell in his capacity as the court-appointed receiver for Rex Venture Group, LLC. (Doc. 35). By way of its motion, Nationwide seeks a subsequent writ to assist it in satisfying an August 14, 2017, Judgment in the

current amount of \$259,650.57 entered in Bell's favor in the Western District of North Carolina against a defendant class, including Defendant Kevin Sipe. (Docs. 1, 1-1, 35). According to Nationwide's motion, that Judgment—which has since been registered in the Middle District of Florida—remains unsatisfied, and Garnishee Truist Bank has or may have in its possession and control money or property belonging to Sipe sufficient to satisfy the Judgment either in whole or in part. (Doc. 35).

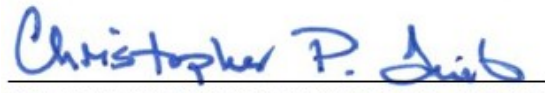
Pursuant to Federal Rule of Civil Procedure 69, the Court looks to the procedures of Florida law governing the execution of a judgment in addressing motions for writs of garnishment. Fed. R. Civ. P. 69(a). Those procedures are found in Chapter 77 of the Florida Statutes and allow for the recovery of a money judgment via such a writ.

Here, Nationwide previously secured a writ of garnishment in January 2023 for the same funds as those that are the subject of its motion (Docs. 27, 29, 31), but that writ has since automatically expired by operation of law, *see* Fla. Stat. § 77.07(5). Florida law, however, does not preclude Nationwide from seeking the instant writ. *See Nationwide Judgment Recovery, Inc. v. Morris*, 2023 WL 3058039, at \*2 n.5 (M.D. Fla. Apr. 24, 2023) (“Dissolution of the writ by operation of Fla. Stat. § 77.07(5) would not preclude [the p]laintiff from seeking a subsequent writ against [the same bank].”) (citation omitted).

Accordingly, it is hereby ORDERED:

1. Nationwide's *Renewed Motion for Writ of Garnishment* (Doc. 35) is granted.
2. The Clerk of Court is directed to issue the writ of garnishment included with Nationwide's motion upon Garnishee Truist Bank, along with the attached notice to Sipe (Doc. 35-1).
3. Nationwide shall comply with the requirements of Chapter 77 of the Florida Statutes.

SO ORDERED in Tampa, Florida, this 5th day of September 2023.

  
HONORABLE CHRISTOPHER P. TUITE  
United States Magistrate Judge

Copies to:  
Counsel of record